

REMARKS

New claims 17-27 particularly point out and distinctly claim subject matter regarded as the invention. Support for these claims may be found on the specification, page 8, line 1, through page 9, line 7.

The 35 U.S.C. § 102 Rejection

Claims 1-4, 6 and 8-9 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Hirviniemi.¹ This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.²

Claim 1 is an independent claims with claims 2-4, 6, and 8-9 depending from claim 1.

Hirviniemi, however, does not disclose "means for emulating the operation of an 'always connected' type I/O device driver" or "application software [that] functions as though said communications are being transmitted over an 'always connected' type network with another computer system utilizing 'always connected' type protocol and said communications are transmitted over said 'connection establishment' type network without performing connection establishment steps" as described in claim 1.

¹ U.S. Patent No. 5,802,285

² Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Hirviniemi discloses an interface between a Local Area Network (LAN) and a Wide Area Network (WAN). It functions to allow the interface to handle a packet from a Local Area Network by mimicking a Local Area Network response, despite the fact that the packet will ultimately travel on a Wide Area Network (see Col. 2, lines 8-34). ARP services are required on LANs but not on WANs. Thus, a computer on a LAN attempting to transmit an ARP request across a WAN would normally run into problems. Hirviniemi solves this by replying to the ARP request with an "arbitrary IP address" (i.e., a dummy address). This fools the computer into thinking that the ARP request was sent entirely over a LAN. Following that, when data packets are transmitted from computer, they contain the dummy address. The Hirviniemi system then strips this dummy address out and transmits the packet in a WAN-specific manner.

Both the LAN and WAN described in Hirviniemi utilize "always-connected" protocols. The fact that they may operate differently from each other does not change the fact that neither is a "connection-establishment" type network. Thus, it does not teach or suggest a device that emulates an "always-connected" network in a "connection-establishment" network- there is no need to emulate as the device is already in an "always-connected" network.

Hence, Hirviniemi does not teach one or more of the elements of Claim 1.

With regard to claims 2-4, 6, and 8-9, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

The First 35 U.S.C. § 103 Rejection

Claims 10-13 and 15 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hirviniemi in view of applicant admitted prior art among which claim 10 is an independent claim. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.³

The Applicants respectfully disagree with the Office Action for the reasons set forth below.

With respect to claim 10, the arguments made with regard to claim 1 are equally applicable here. Namely, Hirviniemi does not teach or suggest emulating the operation of an "always connected" type I/O device driver because both networks in Hirviniemi are

³ M.P.E.P § 2143.

already "always connected", thus there is no need for emulation. The AAPA does not teach or suggest such emulation either. Thus, applicant respectfully asserts that claim 10 is in condition for allowance.

Claims 11-13 and 15 are dependent claims. Therefore, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

The Second 35 U.S.C. § 103 Rejection

Claims 5, 7, 14, and 16 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hirviniemi in view of Bhatia et al⁴. This rejection is respectfully traversed.

Claims 5, 7, 14, and 16 are dependent claims. Therefore, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

⁴ U.S. Patent 6,028,848.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Newly Added Claims

Claims 17-27 have been added which particularly point out and distinctly claim subject matter regarded as the invention. Applicant respectfully asserts that these claims are allowable for the reasons stated above with respect to claims 1-16. Furthermore, applicant respectfully asserts that neither Hirviniemi nor Bhatia nor AAPA teaches or suggests "emulating the operation of an 'always connected' type device driver by replying to a request for a network address with a network address corresponding to said wireless device." Hirviniemi discloses an invention which responds to an ARP request with a dummy IP address, rather than one that actually corresponds to anything, let alone corresponding to a wireless device. For this additional reason, applicant respectfully asserts that claims 17-27 are in condition for allowance.

Examiner Interview

On March 11, 2003 a telephonic interview was conducted between Examiner Schneider and Marc S. Hanish, Reg. No. 42,626. The objection to the declaration was discussed. Examiner Schneider agreed to withdraw this objection as the signature "Bob" is a commonly utilized shorthand for "Robert". Examiner is kindly thanked for granting this interview.


Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
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Dated: 3/12/03



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